City of Taylorsville Planning Commission Meeting Minutes April 24, 2018 Regular Session – 7:00 p.m. 2600 West Taylorsville Blvd – Council Chambers

Attendance:

Planning Commission

Lynette Wendel, Chair John Warnas, Vice Chair Anna Barbieri Kent Burggraaf Don Quigley Justin Peterson **Community Development Staff**

Mark McGrath – Director/Community Development Angela Price – Associate Planner Amanda Roman – Associate Planner Stephanie Shelman – Deputy City Attorney Jean Gallegos – Admin Asst/Recorder

PUBLIC: David Young, Ernest Burgess

WELCOME: **Commissioner Wendel** assumed duties as Chair, welcomes those present, explained the process to be followed this evening and opened the work meeting at 6:00 p.m.

Mr. McGrath explained that all four Text Amendments on the Agenda tonight are tied together but will be presented separately and motions made for each one. A couple of months ago the Planning Commission passed a master plan for ExteNet Wireless for a new technology that is coming into Taylorsville with small cell wireless communications. That is essentially the new technology that will be used for cell phones wherein they are trying to have better coverage by rather than having a series of cell towers that cover large areas with subsequent gaps in between them. Now they want to build many smaller antennas throughout the community. This is very much an emerging thing here in Utah, having been already on the west coast over the last couple of years. It will have a real effect on the City potentially and the City wants to cooperate with the technology element and determine what type of visual impact this will have on the community. The first company that approached the City, ExteNet Wireless, has had 25 or 26 individual locations, with the expectation of other companies to follow that lead to propose their own networks within Taylorsville. That would mean there could potentially be hundreds throughout the City. The State of Utah recently passed a law, Senate Bill 189, that guides development and commits all communities within the State of Utah to follow a certain set of rules that were established in that Statute. He felt it safe to say that this is a very industry friendly law and has tied the hands of the City in terms of a number of things it can do. However, the law did open the door in a number of areas to allow a certain level of control over what these small cell units look like. Specifically, there is more control typically in the neighborhood situation than in an arterial or reflector type of road and he was appreciative of the Legislature for doing that. Other than that, the City has very little ability to control these unless there is a provision in the law that says, for any "existing design district". There can be elevated design standards for those design districts. Ms. Price said that the law doesn't go into effect until September 2018 but there is a provision in C-189 that says essentially any agreement, ordinances, applications that are underway but don't comply with C-189 by May 11th are essentially null and void, so that is why the City last week rushed to address those issues quickly. The master plan that went before the Commission in March happened literally as C-189 was being voted on, to the day.

TEXT AMENDMENTS

- 6Z18 Recommendation to the City Council to Amend Section 13.04.080 Overlay Districts, of the Taylorsville Land Development Code. (Mark McGrath/Community Development Director).
- 1.1 The first application presented was 6Z18 by Mr. McGrath a recommendation to the City Council for a zoning text amendment to the Taylorsville Land Development Code Overlay Districts, Section 13.04.080. Staff is proposing to amend Overlay Districts to designate the Design District Overlay Zone. The Design District Overlay Zone will provide continuity through development standards specific to the designated district. The Design Districts designation will recognize areas that have significant character, interest, or value to the City. The text amendment to 13.04.080 is proposing to designate the Design Overlay District, the district boundaries and implementation standards for the

specific districts will be outlined in the proposed text amendment to Chapter 13.18 of the Taylorsville Land Development Code (Agenda Item #2).

- 1.2 **Findings**: (For 6Z18)
 - 1.2.1 This application was initiated by the Community Development Department.
 - 1.2.2 Staff is proposing to amend Overlay Districts to designate Design Districts.
 - 1.2.3 District boundaries and implementation standards specific to the districts are proposed in a text amendment (Agenda Item #2) to Chapter 13.18.
 - 1.2.4 A text amendment to the Taylorsville Land Development Code must be approved or denied by the City Council.
- 1.3 <u>Staff Recommendation</u>: (For 6Z18). Staff recommends that the Planning Commission makes a positive recommendation to the City Council for a text amendment to the Taylorsville Land Development Code, Section 13.04.080 to designate Design Districts. <u>Mr. McGrath</u> commented that Staff expects this to evolve in the near future due to it being such a short turn around but asked for positive action this evening on what was presented.
- 1.4 <u>Discussion</u>: Commissioners asked for a few minor clarifications in the content of the proposed amendment. After receiving Staff's answers, they gave support to this amendment. <u>Commissioner Wendel</u> opened the public hearing on this matter and after receiving no response from those in attendance either in support or opposition to this proposal, closed the public hearing and asked for more discussion or a motion.
- 1.5 MOTION: Commissioner Warnas 7:47 PM I move that we approve File 6Z18 and send a positive recommendation to the City Council for a Text Amendment to the Taylorsville Land Development Code, Section 13.04.080 to Designate Design Districts based on the Findings as stated in the Staff Report and pending any legal counsel. Commissioner Wendel repeated the motion: A motion to send a positive recommendation to the City Council to amend Section 13.04.080, Overlay Districts, to the Taylorsville Land Development Code, subject to legal approval.

SECOND: Commissioner Peterson

<u>VOTE</u>: <u>Commissioner Peterson</u> – AYE, <u>Commissioner Barbieri</u> – AYE, <u>Commissioner Quigley</u> – AYE, <u>Commissioner Deterson</u>

Warnas – AYE, Commissioner Burggraaf – AYE. Motion passes unanimously. 7:49 PM

- 2. 7Z18 Recommendation to the City Council to Amend Historic Resources Overlay Zone, Chapter 13.18 of the Taylorsville Land Development Code to Designate the Design District and Historic Resources Overlay Zones. (Mark McGrath/Community Development Director)
- 2.1 Mr. McGrath presented this item. Staff is proposing to amend Historic Resources Overlay Zone, Chapter 13.18 of the Taylorsville Land Development Code to Design District and Historic Overlay zones. Chapter 13.18 currently has standards for the Historic District which was adopted in 2012, which runs along Murray Taylorsville Road from Plymouth View Drive to 1130 West. This area was designated in 2012 with the adoption of the Taylorsville Municipal Code. The text amendment would facilitate the designation of four design districts that have significant character, interest or value to the City. Additionally, the text amendment in Chapter 13.18 will adopt implementation standards and define the district boundaries for the four districts. Specific design standards will be incorporated into the project specific requirements in Chapter 13.37, Design Standards. Now it will no longer be the Historic Resources Overlay but now known as Historic Resources and Design Overlay Zone. And the Historic Resources

Overlay Zone becomes the first section of that chapter. 7:49 PM None of the language other than the words that refer to Chapter and Section will change. It is the exact same text as in Code right now. The only change was in the formatting to allow the other Design Districts inclusion. The Design Districts right now only include public rights of way, i.e., streets, park strips and sidewalks. If any private property would have been included it would technically potentially be rezoning their property, which would have created the need for a public hearing with proper notification. At some point if the need arises to include private property, there would be the ability to expand a Design District to include private property in certain instances. The five new design districts being proposed are:

7:50 PM

2.1.1 Redwood Road District – This district will span Redwood Road from the northern City boundary at 4100 South to the southern City Boundary. The City has conducted several studies along Redwood Road including the Center Point Master Plan, Center Point Community Development Project Area Plan, the Draft

Redwood Road Multimodal Transportation Study, and the Draft Redwood Road Mobility and Beautification Project Study. The west side of Redwood Road was recently designated an Opportunity zone area by then Governor Huntsman. This designation will provide tax incentives to developers investing the area.

- 2.1.2 <u>5400 South Commercial District</u> This district is the commercial corridor along 5400 South from 3600 West to the western City boundary at 4015 West. This district has a CDA Overlay designation by the City of Taylorsville Redevelopment Agency. There are several redevelopment projects in this area, including the Bangerter Highway Interchange, the new Mister Carwash and the proposed Carl's Jr. The old K-Mart site is one of the largest tracts in the City open for future development.
- 2.1.3 Mid Valley Connector Bus Rapid Transit. Route would be from the Jordan River on 4700 South to 2700 West and turn north on 2700 West to the City boundary on 4100 South.
- 2.1.4 <u>City Center District</u> Extends along 5400 South from Highway 215 to 2975 West. This District contains the City complex and will be the future home of the Mid-Valley Performing Arts Center.
- 2.1.5 <u>Bennion Point District</u> Would extend along 3200 West from 5900 South to 6200 South and along 6200 South to Bangerter Highway. Encompasses the Summit Vista development.

2.2 **DISCUSSION**:

- 2.2.1 7:53 PM Commissioner Peterson asked about the boundary with West Valley City and Taylorsville.

 Mr. McGrath said it would only include the east side. Commissioner Peterson asked if there were any possibility of coordinating with West Valley City the BRT Route. Mr. McGrath said that the BRT project was a two-phase project originally and has not been conjoined. The first phase originally terminated at the Salt Lake Community College and the second phase went from the SLCC over to West Valley. This will now be one project. While it was still two projects, Staff completed a Taylorsville Expressway Small Area Master Plan which applied some of the design issues that went along with the BRT, however, it terminates at Redwood Road. The intent is to partner with West Valley City to do a similar project going from SLCC over West Valley City Hall. Mr. McGrath continued on to say, just to be clear the intent is to go all the way from the Jordan River to 2700 West on 4700 South and from that intersection up to the City boundary at 4100 South only that portion that is within the City of Taylorsville.
- 2.2.2 Commissioner Peterson suggested that because 2700 West is one of the City's main thoroughfares and the theater will be a draw of people from other areas, that the design standards be extended all the way down 2700 West.
 7:55 PM Mr. McGrath said that the City is currently in discussion mode with West Valley City in this matter.
- 7:57 **Commissioner Wendel** agreed that this will become a prime location and did not want to stop 2.2.3 the design process right in the middle but rather continue it to the City boundary. Mr. McGrath said that the thought process was there would be one design district that will include everything on City Center, including all amenities would be coordinated with various other projects located on that particular site. The streetscapes on 5400 South and 2700 West will also have the same design scheme. Once it goes west of 2700 West it is a little different. Commissioner Wendel said she agreed with Commissioner Peterson's assessment because there is so much public area between 4700 and 5400 South. Commissioner Barbieri also wondered why the stopping point was there. Mr. McGrath said that Staff tried to identify those areas that there have been formal discussions, studies or input about, where there will be an upgraded level of urban design. There has been extensive discussion about all these areas as far as upgrading designs. The thinking was if there was scrutiny about the design districts Staff could demonstrate there had been previous efforts previously made to justify the reasons for each district. Commissioner Barbieri asked if once this overlay is made how that would impact UDOT's projects. Mr. McGrath advised that some of the roads are controlled by UDOT but the City wants assurance that their significant street improvements are not adversely impacted.
- 2.2.4 <u>Commissioner Warnas</u> suggested it might be better to focus on smaller areas. <u>Mr. McGrath</u> said that the Commission has the ability to adjust some of these items through a recommendation to the City Council in the future, but this is the starting point.

- 2.2.5
 8:05 PM Commissioner <u>Quigley</u> indicated he was not clear why the Commission would put in place the extension on 2700 West to the freeway. It seemed to him like 5400 South on the other side of the freeway is mostly commercial. He said that he recognized the intended accomplishments on Redwood Road but felt the intersection at 5400 South all the way up to the City Center was important because that is the way people enter the City. Why not then include from Redwood Road all the way to the corner at 2700 West along 5400 South? He felt it was important that be an attractive flow into the City Center and new Arts Center as well. <u>Mr. McGrath</u> explained that in the original City Center Small Area Master Plan the subject area was City Center with a fuzzy boundary that included all properties that face the City Center property as well on both 5400 South and 2700 West.
- Ms. Price added that part of why they ended it where they did was because the other properties are zoned mixed use and the decision was made because of the current zoning I place. The intent was not to designate the entire City as a design district. Commissioner Wendel said she liked the idea of having all the design districts having something to connect them together in some manner. She understood the idea of being "defendable" too, the argument being defendable. Her question involved "asking for permission" or "begging for forgiveness" being the agenda for this. Commissioner Warnas said he is aware of those properties very well and that could definitely be an impacted area because they do fact 5400 South and no one likes having their driveway access along 5400 South. Up that that subdivision he could fully understand the reason for the decision. Commissioner Peterson's opinion was to err on the side of "go big or go home" and if it has to be scaled down, then do that later. He agreed with extending it to Redwood Road just for continuity and to embrace the forward thinking thought process of what the Family Center may eventually look like.
- 2.2.7 Mr. McGrath suggested creating a very comprehensive map tonight and run any of the amendments past the City Attorney's Office and see how they feel about it. If they feel like it is justifiable from the perspective of State Law and then anything that is, Staff will forward on to the City Council as part of the official recommendation. Commissioner Wendel thought that was a good idea and supported that proposal. Mr. McGrath said that for now they will connect 5400 South from City Center over to the Bangerter Design District, extend 2700 West and extend 5400 South from the freeway over to the Family Center on Redwood. Ms. Price said that essentially meant that would include the whole 5400 South corridor. Commissioner Wendel felt there was a good argument that Redwood Road and 5400 South are the main arteries and anything the City can do to keep those areas within the values of the City, which includes addressing concerns of neighborhoods separate from that.
- 2.2.8 8:12 PM <u>Commissioner Peterson</u> suggested it may be a good a good time to address the overhead lights along 5400 South. <u>Mr. McGrath</u> advised while that was a good suggestion, Rocky Mountain Power has their own standards for that, which now does not include upgrading the power poles to accommodate the small cell units.
- 2.3 Mr. McGrath went on to discuss the Bennion Point District, which basically takes in the new road being built to accommodate Summit Vista and the frontages on 6200 South and 3200 West adjacent thereto. (Commissioners had no comments related to this proposal).
- 2.4 Mr. McGrath then addressed the Redevelopment Area on 5400 South between 3600 West and 4015 West. He advised the City is actively pursuing development for this site. (Commissioners had no specific comments related to this proposal).
- 2.5 <u>Commissioner Burggraaf</u> addressed general questions he has. Just for clarification, as far as the rights-ofway go the discussion has been about the dedicated rights-of-way which he believed to be curb-to-curb. <u>Mr. McGrath</u> advised that it is typically back of sidewalk to back of sidewalk. <u>Commissioner Burggraaf</u> said he was glad to hear that this is going to make this subject to legal review. He was concerned about the language in each proposal where it says, "at the discretion". He understood the intent there but including that verbiage gave him a little concern that he would be open to challenge. It is contained in almost each of those sections wherein it says that it is at the discretion of the City Council, which put him ill at ease. He gave an example from the dissertation relative to the City Center right below the map where it says, "at the discretion of the City Council, based on recommendation of the Planning Commission and compliance with all statutes and ordinances".... He understood the sentiment there but would prefer another verbiage rather than "discretion", which alludes to potential interpretation of subjectivity as opposed to objectivity as far as the standards for making that change. He

suggested trying to find a different word to depict that same sentiment. He felt that would reduce the possibility of challenges based on an interpretation that that is a subjective standard for modifying the overlay zone. Mr. McGrath agreed to look at that. Commissioner Wendel asked if that was in reference to extending onto private property as necessary, because that would be involving the rezoning. Commissioner Burggraaf said that he totally gets the intent and did not oppose that per se, and in fact felt the second part of that sentence was helpful. He just wanted to find a way of rewording that to eliminate the use of the word "discretion". He agreed that the intent is to essentially alert the applicants that there may be grounds for extending the overlay zone and just preferred another word to replace "at the discretion" be used. Mr. McGrath said Staff will do a global search for all those words that may have vague meanings or meanings that are open to interpretation like compatibility, etc. Commissioner Burggraaf said that there is a phrase called "void for vagueness", which means the statute means nothing if it is not specific enough. Mr. McGrath added that State Law now says that if an ordinance can be interpreted and argued two different ways, the City loses. Commissioner Warnas said that to him it means that basically the Commission has gone through everything else and that the City Council has approved it. But the whole process must be gone through first and be approved by the City Council - not at the discretion of the City Council. Commissioner Burggraaf said that the second part of the sentence is great in the sense that it says that they are going to go through the typical legislative process for rezoning – but the first part is too vague.

- 2.6 There being no more discussion or comments, <u>Commissioner Wendel</u> closed the public hearing and asked for a motion.
 8:19 PM
- MOTION: Commissioner Barbieri 8:20 PM I move that we forward a positive recommendation to the City 2.7 Council to amend Chapter 13.18, Historic Resources Overlay Zone of the Taylorsville Land Development Code, File #7C18, subject to legal approval. Commissioner Wendel repeated the motion: We have a motion to send a positive recommendation to the City Council to Amend Chapter 13.18, Historic Resources Overlay Zone of the Taylorsville Land Development Code. Commissioner Quigley - Can I ask a question? Does this motion include the suggestions we have made of extending on the boundaries? Commissioner Wendel - (to Commissioner Barbieri), So do you want to amend your motion? Commissioner Barbieri - I move that we make a positive recommendation to the City Council to Amend Chapter 13.18, Historical Resources Overlay Zone of the Taylorsville Land Development Code, including those changes made to the overlay on 5400 South and 2700 West, noted by Mark McGrath on Tuesday, April 24th. Commissioner Burrgraaf - May I offer a friendly amendment? You addressed the map adjustments to the City center overlay district. I think the MCDD, I forgot what that stands for . . . we also talked about taking that map all the way to, I think, the border on the east side. Commissioner Barbieri - 54th and 2700 West. Commissioner Quigley - From Redwood Road to the Taylorsville boundary at the Jordan River. Commissioner Burrgraaf - So, you could just accept the friendly amendment. Commissioner Barbieri - I move we accept them all. Mr. McGrath - We will ask for a recommendation from the City Attorney's Office prior to presenting them to the City Council. Commissioner Wendel - We have a motion that we are going to send a positive recommendation to the City Council to amend Chapter 13.18, Historic Resources Overlay Zone of the Taylorsville Land Development Code, File 7Z18, to also include those extensions off 5400 South, both east and west of what is established as the City Center, north on 2700 West to 4700 South. Commissioner Quigley - To the Jordan River. Commissioner Wendel - That is what I said, going east and west on 5400 South, to the Jordan River Parkway and west to Bangerter; (Commissioner Quigley - that is on 4700 South). Commissioner Wendel - Right, 4700 South will go to the City boundary at the Jordan River Parkway.

SECOND: Commissioner Quigley.

<u>VOTE</u>: <u>Commissioner Peterson</u> – AYE, <u>Commissioner Barbieri</u> – AYE, <u>Commissioner Quigley</u> – AYE, <u>Commissioner Warnas</u> – AYE, <u>Commissioner Burggraaf</u> – AYE. Motion passes unanimously.

- 3. 8Z18 Recommendation to the City Council to Amend Wireless Telecommunication Facilities, Section 13.11.230 or the Taylorsville Land Development Code to Designate the Design District and Historic Overlay Zones. (Angela Price/Associate Planner)
- 3.1 Mr. McGrath introduced this item and acknowledged the tremendous amount of work that Ms. Price had put into this proposal and wanted it on the record how much he appreciated all that she did for the benefit of the City. His sentiments were echoed by Commissioner Wendel 8:25 PM Ms. Price presented this item,

saying that Staff is proposing a text amendment to the Taylorsville Land Development Code, Wireless Telecommunication Facilities Section 13.11.230, and Definitions Section 13.36.240. The proposed text amendment will add non-discriminatory requirements for the development of Small Wireless Facilities (SWF). Additionally, the text amendment will provide consistency, clarity and compliance with State Statute. She said that unless the Commission wants an in-depth presentation of what the changes are, she would just summarize them in the interest of time. **Commissioner Quigley** noted for the record that the Commission has read the whole report and text amendments thoroughly. Therefore, it won't be necessary for Ms. Price to delve into each element, and a summarization would suffice. **Ms. Price** then said that the first item she was reporting on tonight was a recommendation to the City Council for a text amendment to the Taylorsville Land Development Code, Wireless Telecommunications Facilities, Section 13.11.230 and Definitions, Section 13.36.240. File #8Z18.

- 3.2 Ms. Price then summarized the proposed changes as follows:
 - 3.2.1 <u>Master Plan Requirements</u> Current code requires a Telecommunication Facility Justification Study and Master Plan. The requirements for both studies were redundant and Staff is proposing consolidating the Telecommunication Facility Justification Study into the Master Plan, which will be reviewed by the Community Development Department, Development Review Committee and the Planning Commission (13.11.230(C).

Ms. Price explained this item saying that the intent was that this chapter of the Code really doesn't address small cells as newly emerging technology. It addresses wireless telecommunications facilities on a broad level, so Staff wanted to create within the existing framework some regulation, guidance to Staff, providers and applicants on how the application process will work. What small wireless facilities are defined as. In going through the master plan process for ExteNet it was confusing because there is the master plan requirements and underneath that there is the telecommunications justification setting, so the first proposed change is just to combine that into one document to make it all make sense. The hard part in doing that is that Staff wanted to make sure there is compliance with SC-189 on application requirements because they are very specific in the Legislation but also providing the City a good overview of what it will be getting with the master plans. The master plan is important because otherwise there would be 25 separate small cell node applications with no continuity. It is proposed to be a global vision of what may or may not happen but will provide a framework from which to start.

3.2.2 <u>Permitted Use Application</u> – Staff is proposing to add application parameters, as well as requirements and specifications for utility poles and Small Wireless Facilities (SWF), (13.11.230(F)

Ms. Price said the reason for this was to clean up and streamline the process and provide guidance to staff and the applicants. Most of what has been noted in small cell projects is they are wanting to locate on utility poles such as Rocky Mountain poles, UDOT cobra lights, City street lights or new nodes altogether.

3.2.3 <u>Technical Necessity Exception</u> – Clarifications and minor changes are proposed to incorporate design criteria (13.11.230(G).

<u>Ms. Price</u> indicated that this involves only minor changes, specifically calling out the design standards.

3.2.4 <u>Historic and Design Districts</u> – Staff is proposing to add design districts to the historic district section and provide direction to applicants proposing Wireless Telecommunication Facilities in these designated areas (113.11.230(I).

<u>Ms. Price</u> advised this has been a confusing aspect because there already exists a Historic District and it is now being changed to add Design District thereto. In response to Commissioner Burggraaf's previous suggestion, she will go back through all the reports and make sure that the language relevant to Historic and Design Districts is consistent throughout.

3.2.5 <u>Definitions</u> - Small Wireless Facilities (SWF) has been added to the definition section, along with several supporting definitions (13.36.240).

Ms. Price said that lastly this involves just adding a proper definition for Small Wireless Facilities in this section.

- 3.3 <u>Findings</u>: <u>Ms. Price</u> discussed each of the following findings.
 - 3.3.1 This application was initiated by the Community Development Department.
 - 3.3.2 Staff is proposing combining the requirements of the Telecommunication Facility Justification Study into the Master Plan.
 - 3.3.3 Changes have been proposed to the Wireless Telecommunication Facilities permitted uses, application process, and requirements for the Technical Necessity Exception.
 - 3.3.4 Historic and Design District standards are proposed and will be designated in other chapters of the Code.
 - 3.3.5 SWF definitions have been added to provide guidance in the Wireless Telecommunication Facilities section of Code.
 - 3.3.6 A text amendment to the Taylorsville Land Development Code must be approved or denied by the City Council.
- 3.4 <u>Staff Recommendation</u>. Staff recommends that the Planning Commission makes a positive recommendation to the City Council for File 8Z18 for a text amendment to the Taylorsville Land Development Code Wireless

Telecommunications Facilities Section 13.11.230 and Definitions 13.36.240.

3.5 **Discussion:**

- 3.5.1 <u>Commissioner Burggraaf</u> wanted to note that there were a couple of areas where it is mentioned that this must harmonize or be consistent with the current streetscape. He expressed concern that some of that language might be subject to interpretation. He didn't know whether it necessarily upfront gives a problem with the way it is written now in the sense that we just must decide whether we fight that battle if someone wants to contest whether something "harmonizes" with the streetscape. Some of those areas he looked at might need to have more specific language as to the meaning of harmonize. Whether it means the same color pallet or same structural standards, etc. He felt that if it is defendable it probably needs improvement in that area. His concern was whether it is enforceable.
- 3.5.2 <u>Commissioner Peterson</u> suggested including some term of visual appearance, which are often described in form, line, color, texture and maybe even scale. Perhaps define what harmonious or continuity actually mean.
- 3.5.3 <u>Commissioner Warnas</u> asked about the stealth type cell tower and was informed by <u>Ms. Price</u> that Staff had determined that was not included in order to keep a more integrated look to the units.
- 3.5.4 <u>Commissioner Quigley</u> commented that the questions about the legality of use approval should be covered under the legal department review. <u>Ms. Shelman</u> advised she is in the process of reviewing all four of these text amendments and that there will be changes in verbiage. These documents will be approved by legal review before finalization. <u>Commissioner Wendel</u> added that she felt it would be good if there is anything questionable, the Commission should feel comfortable being able to bring that to the attention of the legal department, to which <u>Ms. Shelman</u> agreed. <u>Commissioner Burggraaf</u> gave an example to his point which said "architecturally compatible" which could potentially be open to differing opinions as to what is or is not architecturally compatible and referred back to Commissioner Peterson's suggestions as being the right

direction and make it more specific. 8:39 Ms. Price related her appreciation for the excellent feedback on this issue. Commissioner Wendel added that she liked the reference to "abandoned sites" in that there would not be a way to mitigate those under this ordinance. She also appreciated the reference to "simple language" being required in order to get an exception for technical reasons or otherwise. Commissioner Warnas wondered if there were anything included in this document dealing with maintenance when they obtain a permit to build, along with required inspections. Ms. Price said that she believed there was a maintenance clause built into both the Design Standards and the chapter in question but that she would check

into that. 8:42 PM

- 3.6 <u>Commissioner Wendel</u> opened the public hearing and inasmuch as no came forward, closed the public hearing and opening the meeting for discussion by the Commission or a motion.
- 3.7 <u>Discussion</u>: <u>Commissioner Barbieri</u> referred to the abandonment issue and said that it is a fact that technology will change and if it ever evolves to where there is no need for these small cells, will there be a way to turn them over to something newer. In the language there is a reference to "leases" and she wanted to know if there were a way to not need to renew the lease if there is new technology. **Ms. Price** said she did not know the answer to that. She

continued on to say that there is language in the franchise agreements that addresses these as well but would have to refer that question to the legal department.

- 3.7.1 Ms. Selman (Deputy City Attorney) said that they are all required to obtain franchise agreements, which will include the abandonment issues. She asked for clarification as to what was meant by not requiring a renewal for upgraded technology. Commissioner Barbieri responded that in the lease she imagined that there was an automatic renewal unless the conditions are met. Ms. Shelman said that they only have one renewal for a ten-year period. The legal department generally writes them for one renewal before they must renegotiate the franchise agreement. Commissioner Barbieri felt that gives the City an out should these become obsolete. But it would be every ten years.
- 3.7.2 <u>Commissioner Burggraaf</u> asked regarding to the statute coming into play if it would allow for a requirement of some form of small bonding as far as for the cost of removal. <u>Ms. Shelman</u> said that it does not specifically address bonding. She said she would look at that issue to see if that can be made a requirement and report back later. <u>Commissioner Burggraaf</u> alluded to fact that some of the participating companies might go under and then the problem of enforcing the removal of the unit would arise. He added that the bond he suggested would not have to be a high bond because removal costs would not be that high. <u>Ms. Shelman</u> said that her understanding is that bonding would still be allowed under the new ordinance. She continued to say that many things in the statute reference the required franchise agreements. Many things not directly addressed in the statute will be addressed in the franchise agreements. That language could be added to the statute referring to the franchise agreements. It cannot be referenced now because there is nothing in place yet. It will be difficult until September to complete this but that may be a way to address this issue to say it will be addressed somewhere else in detail.
- 3.7.3 <u>Commissioner Warnas</u> asked if there happens to be one of these towers in an area set for redevelopment, which would impact that particular site, and it turns out to not be conducive to that redevelopment, how could that be made to work. For instance, if it is attached to a building, would there be the ability in place to assure they reattach it to the new building in the middle of the lease. <u>Ms. Price</u> directed him to the appropriate section in the new ordinance and said the reason that was included was very specific to the Redwood Road corridor and the Mid-Valley Connector corridor just because Staff was aware of a multimillion-dollar streetscape improvement project on both of those corridors. The current applicant is eager to get small cells on the ground even if they have to take them out in a year and have been made aware in the ordinance standards how that would work.
- 3.8 MOTION: Commissioner Warnas 8:57 PM I make a motion to approve File 8Z18 and send a positive recommendation to the City Council for a text amendment to the Taylorsville Land Development Code, Wireless Telecommunications Facilities, Section 13.11.230 and Definitions section 13.36.240 based on the findings as stated in the Staff Report and pending legal review from the City. Commissioner Wendel restated the motion, "to send a positive recommendation to the City Council for Section 13.11.230, Wireless Telecommunications Facilities and 13.36.240, Definitions of the Taylorsville Land Development Code, to include Wireless Facilities, File 8Z18."

 SECOND: Commissioner Peterson.

<u>VOTE</u>: <u>Commissioner Peterson</u> – AYE, <u>Commissioner Barbieri</u> – AYE, <u>Commissioner Quigley</u> – AYE, <u>Commissioner Warnas</u> – AYE, <u>Commissioner Burggraaf</u> – AYE. Motion passes unanimously

- 4. 5Z18 Recommendation to the City Council to Amend Chapter 13.37 Design Standards, of the Taylorsville Land Development Code, to include Small Wireless Facilities. (Angela Price/Associate Planner)
- 4.1 Ms. Price presented this item. Staff is proposing a text amendment to add design standards to accommodate the development of Small Wireless Facilities (SWF), adjust the table of contents, update the introduction and add language regarding window signage. 9:00 PM
 - 4.1.1 Ms. Price indicated that Staff is proposing a text amendment to Taylorsville Land Development Code, Chapter 13.37, Design Standards. The proposed text amendment would add design standards to accommodate the development of Small Wireless Facilities (SWF), adjust the table of contents, update the introduction and add language regarding window signage. She summarized the text amendments and rationale for each as follows:

- 4.1.1.1 <u>Table of Contents</u> Staff is proposing to update the Table of Contents to include historic and design districts, utilities and SWF's. Additionally, a place holder is reserved for the upcoming addition of multi-family and transit-corridor development.
- 4.1.1.2 <u>Introduction</u> Proposed changes to the introduction have broadened the scope of the Design Standards to facilitate the implementation of SWF's.
- 4.1.1.3 <u>Signage</u> Staff is recommending an update to signage to include requirements on window advertising and black-out treatments.
- 4.1.1.4 <u>Design Standards and Best Practices Specific to Utilities and Small Wireless Facilities</u> Standards for design compatibility, node materials and colors, concealment, placement, underground utilities, maintenance and Design and Historic Districts are proposed to provide guidance to SWF applicants and providers (5 Design Standards and Best Practices Specific to Utilities and Small Wireless Facilities).

4.1.2 Findings:

- 4.1.2.1 This application was initiated by the Community Development Department.
- 4.1.2.2 Staff is proposing changes to the Table of contents and Introduction to incorporate SWF's and design and historic districts into the Design Standards.
- 4.1.2.3 Window treatment updates have been proposed to the Signage Section.
- 4.1.2.4 Design Standards specific to SWF's have been included in the text amendment.
- 4.1.2.5 A text amendment to the Taylorsville Land Development Code must be approved or denied by the City Council.
- 4.1.3 <u>Staff Recommendation</u>: Staff recommends that the Planning Commission makes a positive recommendation to the City Council for a text amendment to the Taylorsville Land Development Code, Chapter 13.37 Design Standards.
- 4.2 <u>Commissioner Wendel</u> opened the public hearing in this matter and because no one came forward to speak either in favor or opposition, closed the public hearing and opened the meeting up for discussion or a motion by the Commission.
- 4.3 <u>Discussion:</u> Concerns over verbiage content and approval by the City Attorney's Office of the proposed ordinances were discussed with the previous item. <u>Mr. McGrath</u> added that the City's biggest concern in this matter was the need to not negatively impact the citizens as much as possible, which he felt this proposal has succeeded in doing.
- 4.4 MOTION: Commissioner Peterson 9:11 PM I move that we approve File #5Z18 with a positive recommendation to the City Council for a Text Amendment to the Taylorsville Land Development Code, Chapter 13.37 Design Standards, based on the Findings as stated in the Staff Report and subject to legal review. Commissioner Wendel restated the motion: "a motion to send a positive recommendation to the City Council to amend Chapter 13.37 Design Standards of the Taylorsville Land Development Code to include

Small Wireless Facilities, subject to legal approval and including the contents of the Staff Report. 9:13

SECOND: Commissioner Warnas

<u>VOTE</u>: <u>Commissioner Peterson</u> – AYE, <u>Commissioner Barbieri</u> – AYE, <u>Commissioner Quigley</u> – AYE, <u>Commissioner Warnas</u> – AYE, <u>Commissioner Burggraaf</u> – AYE. Motion passes unanimously

DISCUSSION ITEM

5. Mark McGrath introduced the book "Suburban Nation" by Andres Duany. He gave an overview of the contents of the book and explained the roles various people had in its' development. He talked mainly about the Seaside Development in Florida, which he felt was an excellent example of how projects should be developed. He also showed examples of different areas throughout the United States. He explained what is meant by "sprawl" and explained the need for connectivity within projects and for discernable center inclusion to make them work better. He showed some videos containing good examples and talked about new urban design principles. He made reference to the Day Break development in the southwest corner of the Salt Lake Valley and felt it had been well planned and was a good example for future projects. He mentioned the need within Taylorsville for inclusion of more community type parks, mixed uses in communities between single family dwellings

Page **10** of **10**

and town homes, and adding elements of verandas and porches. Staff passed out copies of the book to Commissioners who did not already have them and Mr. McGrath asked that they read through them for discussion at a future meeting. 7:33

COMMISSIONER DISCUSSION: Commissioner Peterson reviewed what transpired during the last City Council meeting with the Commissioners. $\underline{\textbf{Councilman Burgess}}$ - complimented Staff on updating the Code so quickly.

MOTION: By motion of Commissioner Burggraaf, the meeting was adjourned at 9:15 p.m. 9:15 PM

Respectfully Submitted By:

Jean Gallegos/Admin Asst/Recorder for the **Planning Commission**

Approved in meeting held on June 12, 2018.